



Rialtas na hÉireann
Government of Ireland

Procedures for Dealing with Complaints Received in the

Department of Housing, Planning and Local Government

Prepared by the Department of Housing, Planning and Local Government
housing.gov.ie



An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil
Department of Housing,
Planning and Local Government

Contents

The Department's Objectives in dealing with complaints.....	3
Investigating and addressing complaints	3
General points in relation to Complaint Handling	4
Section 1 Customer Service Complaints	6
Complaints Relating to Customer Service in the Department	6
Complaints Relating to Customer Service in a Local Authority	6
Complaints Relating to Customer Service in Agencies	6
The Office of the Ombudsman.....	6
Section 2 Complaints Relating to Access to Information	8
Complaints relating to Freedom of Information (FOI) Requests	8
Complaints relating to Access to Information on the Environment (AIE) Requests	8
Section 3 Complaints Relating to the Environment.....	10
Complaints relating to local environmental matters.....	10
Complaints relating to implementation of EU Directives and International Conventions on Environmental matters.....	11
Complaints in relation to implementation of Aarhus Convention, Public Participation in certain environmental decision making and related EU Directives.....	13
Section 4 Allegations of Wrongdoing or Illegality.....	15
Allegations of wrongdoing or illegality relating to staff of the Department.....	15
Allegations of wrongdoing or illegality relating to certain Community programmes	17
Allegations of wrongdoing relating to the Planning System.....	18
Allegations relating to Local Authorities (other than in relation to planning)	21
Allegations relating to an Agency under the remit of the Department of Housing, Planning and Local Government	23
Allegations relating to the Electoral System or Ethics in Public Office.....	25

The Department's Objectives in dealing with complaints

In responding to complaints or allegations of wrongdoing or illegality the Department has the following objectives:

- Delivering good customer service and timely discharge of its responsibilities;
- Preventing and detecting fraud, wrongdoing or illegal activity;
- Preserving the integrity of the State, the Department, its agencies and the local government system;
- Preserving the Rule of Law and acting at all times within the law;
- Providing better opportunities to deal with certain complaints at national level, thereby reducing the need for EU Commission involvement;
- Not intruding on the work of other state systems such as the Gardaí or the Standards in Public Office Commission (SIPO).

Investigating and addressing complaints

Complaints received by the Department can generally be grouped into four categories.

These are complaints relating to:

1. The quality of the services the Department provides;
2. Access to information under the Freedom of Information Act 2014 (FOI) and Access to Information on the Environment Regulations 2007 -2014(AIE);
3. The environment including alleged breaches of environmental legislation and allegations of failure to act where action is required;
4. Allegations of wrongdoing or illegality.

Each of these categories is dealt with in greater detail in this document.

Customer service complaints and complaints or allegations relating to Department staff are investigated by the Department in the first instance. However, in the case of other complaints and allegations, which may be received by the Department, it may be more appropriate that they be investigated by other offices or institutions including:

- The Gardaí
- Local authorities
- Agencies
- SIPO
- The Office of the Ombudsman.

Where a matter is being investigated by the appropriate office or institution, the Department will provide assistance as required and as appropriate.

While the Department does not generally investigate complaints about other bodies, there are a number of areas, set out later in this document, where the Department may investigate, or appoint an independent person to investigate, including:-

- Some local authority activity
- Certain activities of a planning authority
- Matters in respect of certain grants.

On occasion, complaints arise because of misinterpretations of the law, or because the legal and valid actions of local authorities and State Agencies challenge the interests or preferences of individuals, as distinct from any breach of the law. Not every complaint or allegation of wrongdoing is necessarily justified, substantiated or proven.

It should be noted that the Minister for Housing, Planning and Local Government is precluded in law from involvement in individual cases governed by certain planning and environmental legislation.

General points in relation to Complaint Handling

- The Department will implement a system to record and categorise complaints and allegations received in a central register;
- Complaints (other than customer service complaints) or allegations received by phone or verbally, cannot be fully considered or allegations fully assessed unless submitted in writing;
- Anonymous complaints will generally not be considered¹;
- In general, where a complaint or allegation is received which should be directed to another body (including another Department, Minister or agency under the remit of another Department) the complainant will be informed that the matter should more appropriately be dealt with by that body. In such circumstances the complaint will not be forwarded as it will be a matter for the complainant to decide whether he or she wishes to pursue the matter through that channel;

¹ Where a complaint or allegation relates to EU Funding it may be investigated.

- Where this Department refers a complainant to another body it shall consider that it has discharged its duties at that point and no further action will be taken;
- Complaints received about another Department, Minister or agency under the remit of another Department, or a complaint regarding the discharge of a function of a local authority that is proper to another Department, Minister or agency, that are copied to this Department/Minister will be acknowledged for receipt and no further action taken. The Department has no role in reviewing the investigation of a complaint made to a body with responsibility in that regard

Given the breadth of the Department's remit and the range of correspondence received it is acknowledged that there may be complaints or allegations received that fall outside the circumstances outlined in this document. These will be dealt with on a case by case basis.

Section 1 Customer Service Complaints

Complaints Relating to Customer Service in the Department

Customer service complaints include complaints about the quality of service provided: e.g. delays in responding to communications, delays in processing applications or claim forms, wrong information being given to the customer, complaints about individual members of staff, complaints about decisions taken in the operation of a scheme or service - e.g. a customer may have been refused a grant because they did not comply with, or qualify under, the terms of the scheme.

Customer service complaints are dealt with through the Department's Customer Service Complaints Process as set out in the [Customer Charter](#).

Where the complaint relates to a decision made by the Department, the complainant is advised of any options available for appealing the decision.

Complaints Relating to Customer Service in a Local Authority

Where the customer service complaint relates to customer service or decisions of a local authority, the customer is referred to the local authority concerned as local authorities have independent complaints procedures in place.

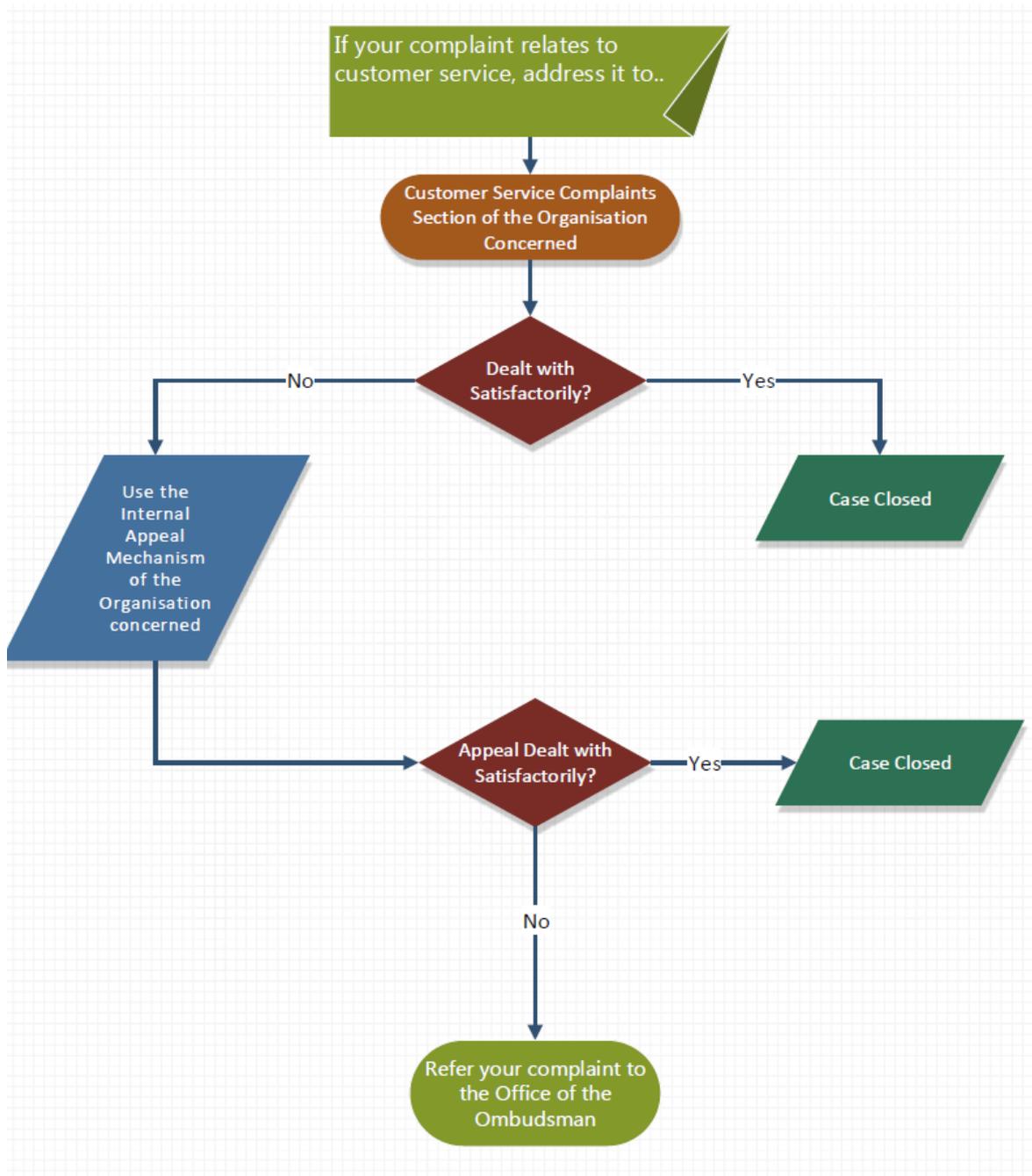
Complaints Relating to Customer Service in Agencies

Where the complaint relates to customer service or decisions or actions of an agency under the remit of this Department, or any other Department or agency, the customer is advised to contact the relevant organisation directly.

The Office of the Ombudsman

The Office of the Ombudsman examines and assesses complaints from citizens who feel they have been unfairly treated by certain public bodies including Government Departments, agencies and local authorities. Where a person is not satisfied with the outcome of making a complaint to the public body concerned, they may make a complaint to the [Office of the Ombudsman](#).

Pathways for complaints relating to Customer Service



Section 2 Complaints Relating to Access to Information

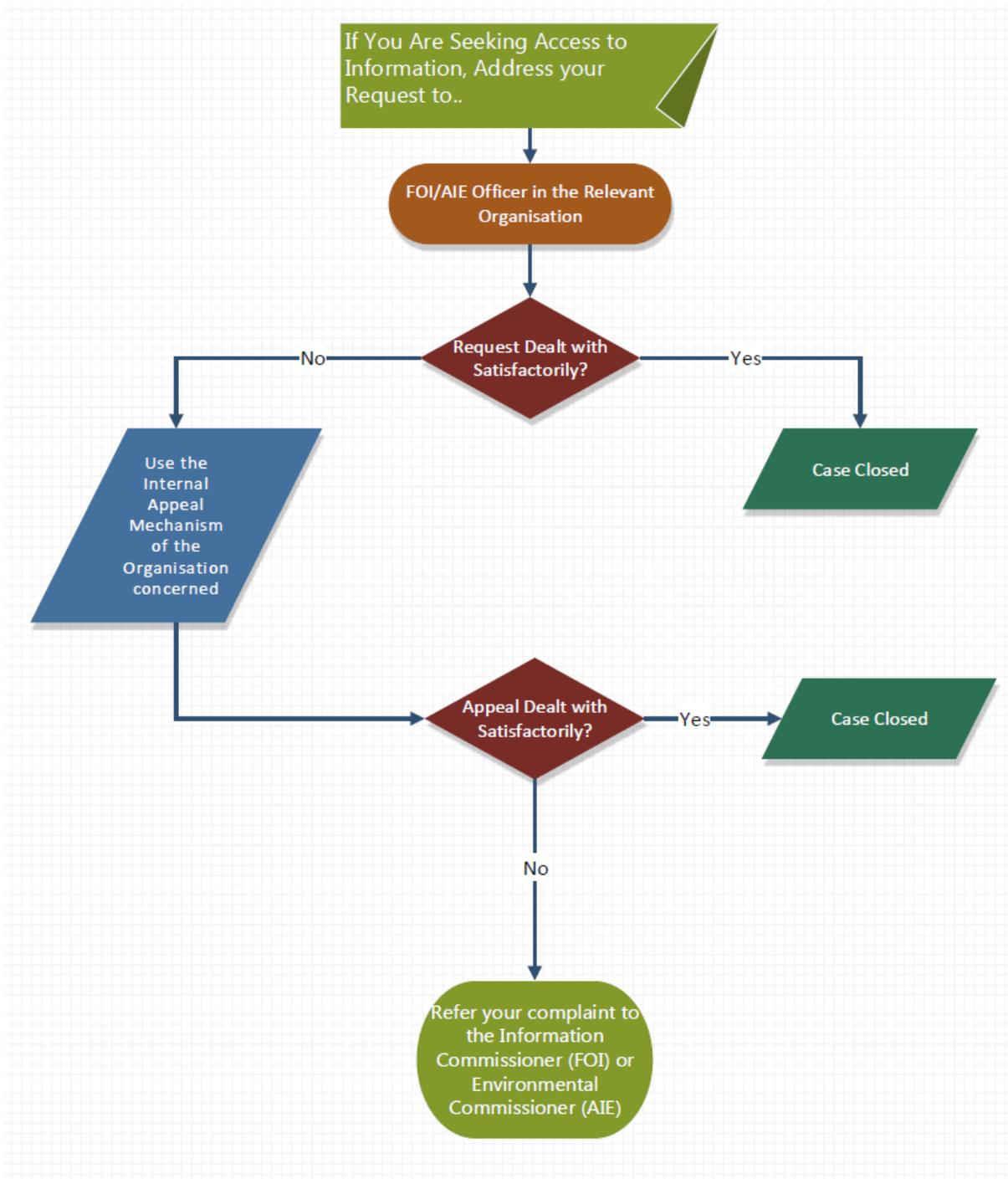
Complaints relating to Freedom of Information (FOI) Requests

Complaints alleging failure to appropriately comply with relevant legislation in relation to an FOI request made to this Department may be addressed in the first instance by contacting the FOI Officer (foi@environ.ie) and requesting an Internal Review. Where a person is not satisfied with the outcome of the Internal Review, they may appeal the matter to [Office of the Information Commissioner](#). Apart from complaints in relation to specific compliance with the Act, it should be noted that failure to respond within the prescribed time limits is deemed a refusal under the FOI Act and the requester may, at that point, initiate a request for an internal review. Further information is available on the [FOI](#) section of the Department's Website.

Complaints relating to Access to Information on the Environment (AIE) Requests

Complaints alleging failure to appropriately comply with relevant legislation in relation to an AIE request made to this Department may be addressed in the first instance by contacting the AIE officer (aie@environ.ie) and requesting an Internal Review. Where a person is not satisfied with the outcome of the Internal Review, they may appeal the matter to the [Office of the Commissioner for Environmental Information](#). Further details are available on the [Access to Information on the Environment](#) section of the Department's Website.

Pathways for complaints relating to Freedom of Information (FOI) Requests



Section 3 Complaints Relating to the Environment

Complaints relating to local environmental matters

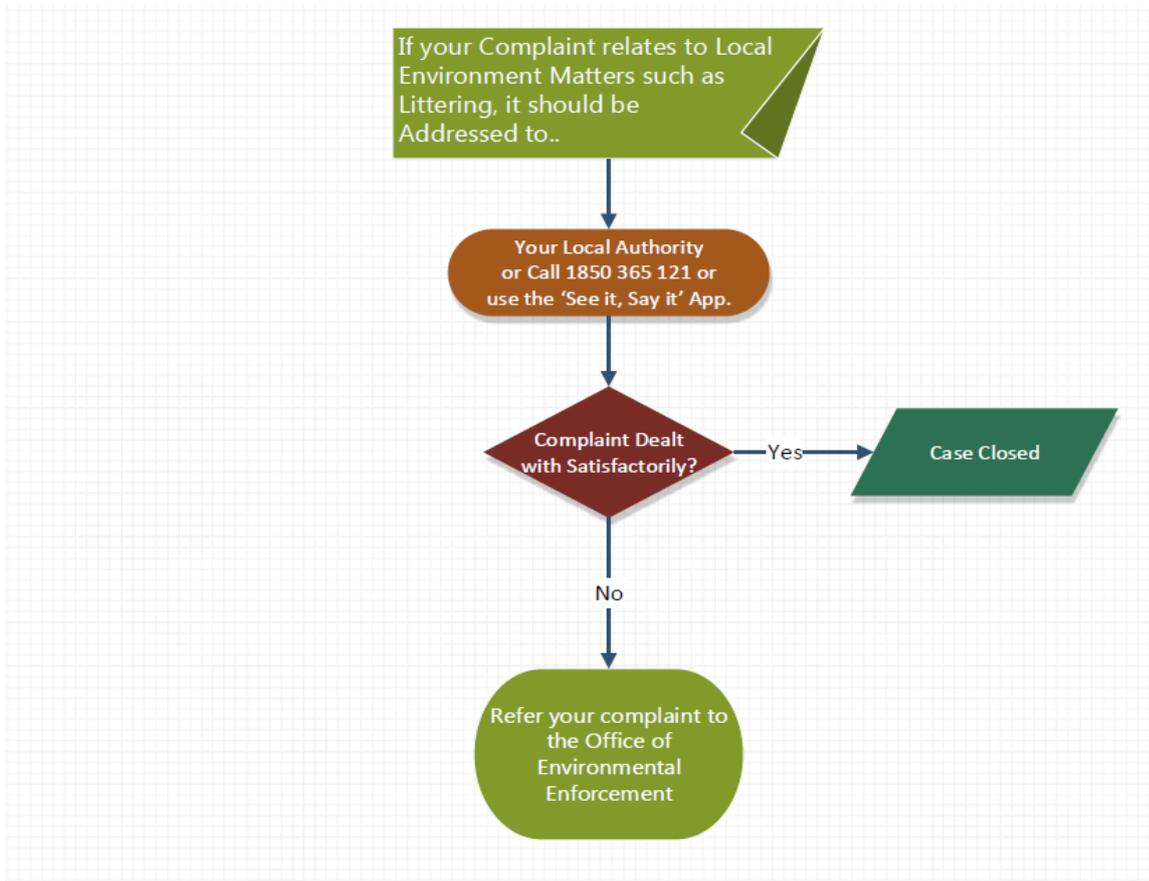
Complaints relating to environmental matters such as littering, backyard burning, water pollution, noise, dust and smells may be made either to the local authority concerned or the EPA National Environmental Complaints Line 1850 365 121 or through the [See it - Say it App](#).

In cases where a local authority has investigated an allegation relating to an environmental matter, and the problem persists, a complaint may be made to the Office of Environmental Enforcement (OEE) within the Environmental Protection Agency (EPA). The EPA will not become involved in investigating an issue that should be resolved by a local authority, until the relevant local authority has been given an opportunity to investigate and resolve the issue. The [OEE](#) provides complaint forms to assist with the making of a complaint.

Complaints relating to EPA licensed facilities should be made directly to the [EPA](#).

Complaints in relation to problems with street lighting, drainage, graffiti, waste collection or road and path maintenance may be made directly to the relevant local authority or through the website www.fixyourstreet.ie.

Pathways for complaints relating to local environmental matters



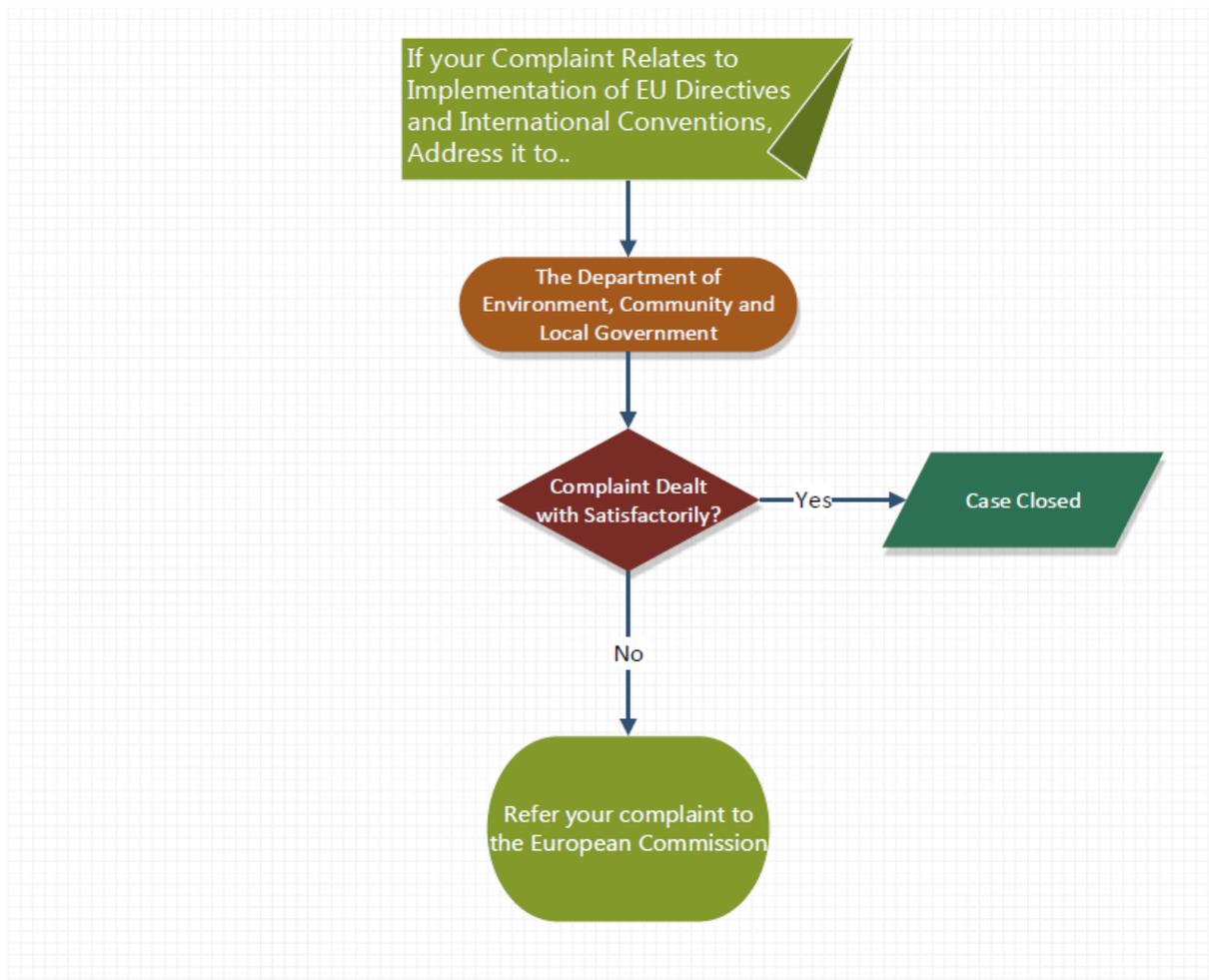
Complaints relating to implementation of EU Directives and International Conventions on Environmental matters

Allegations regarding non-implementation or inadequate implementation of EU Directives or International Conventions on Environmental matters may be raised with the Department in the first instance. They can be raised by individuals, organisations or by the Environmental Non-Governmental Organisation (ENGO) partners of the [Environment Law Implementation Group](#) (ELIG)² of the [Environmental Pillar](#). The Department's aim is to address these and similar complaints from individual citizens without the matter going any further. However, if a complainant (whether an ENGO or individual) remains unhappy with the final outcome on a

² ELIG is a joint initiative between The Environmental Pillar (environment NGOs), An Taisce, and The Department of Housing, Planning and Local Government. The objective of ELIG is to assist in the protection and enhancement of Ireland's environment by seeking to improve the transposition, implementation and enforcement of Environmental Law.

matter which involves European law, he/she may refer their complaint to the European Commission. Any complaint or infringement case initiated by the Commission could, ultimately, be determined by the European Court of Justice.

Pathways for complaints relating to implementation of EU Directives and International Conventions on Environmental matters



Complaints in relation to implementation of Aarhus Convention, Public Participation in certain environmental decision making and related EU Directives

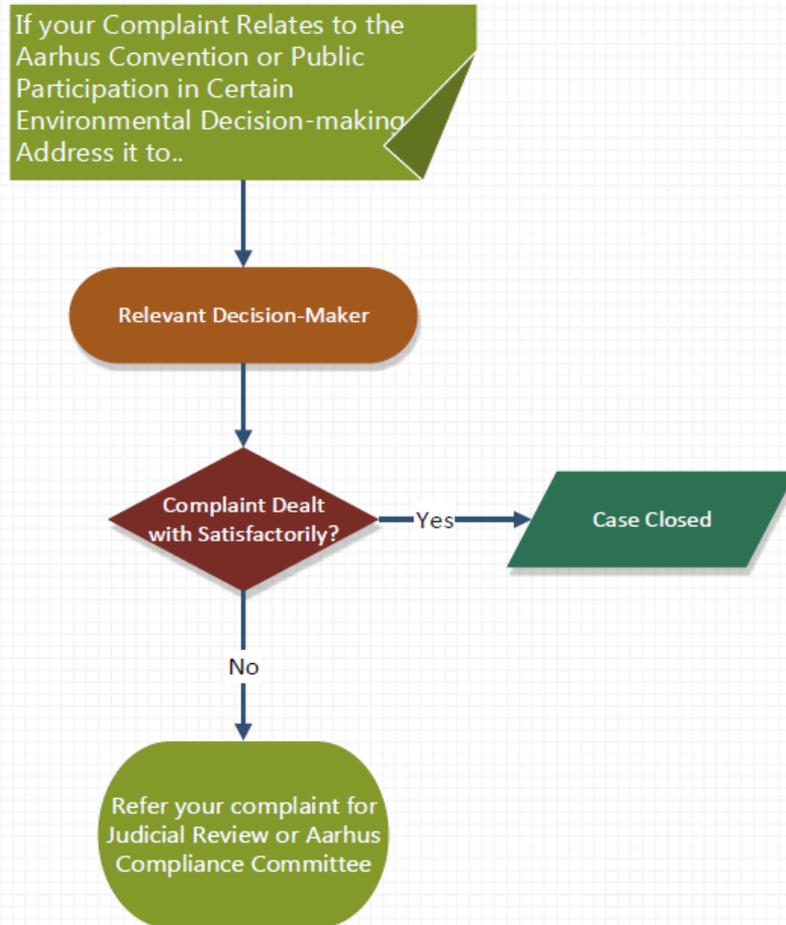
Complaints relating to failure to appropriately provide for public participation in certain environmental decision making can be addressed to the relevant decision maker³ and, ultimately, may be pursued through the courts in the form of a Judicial Review (JR), where the substantive and procedural legality of the decision will be examined.

In addition to domestic complaint processes outlined above, allegations of failure to implement the requirements of the [Aarhus Convention](#)⁴ may be addressed directly to the [UNECE Aarhus Convention Compliance Committee](#) who will decide whether a formal investigation is required.

³ The “relevant decision maker” would depend on the type of decision being made. The Aarhus Convention breaks such decision making into three categories requiring a different level of public participation for each.

⁴ The Aarhus Convention lays down a set of basic rules to promote the involvement of citizens in environmental matters and improve enforcement of environmental law.

Pathways for complaints in relation to implementation of Aarhus Convention, Public Participation in certain environmental decision making and related EU Directives



Section 4 Allegations of Wrongdoing or Illegality

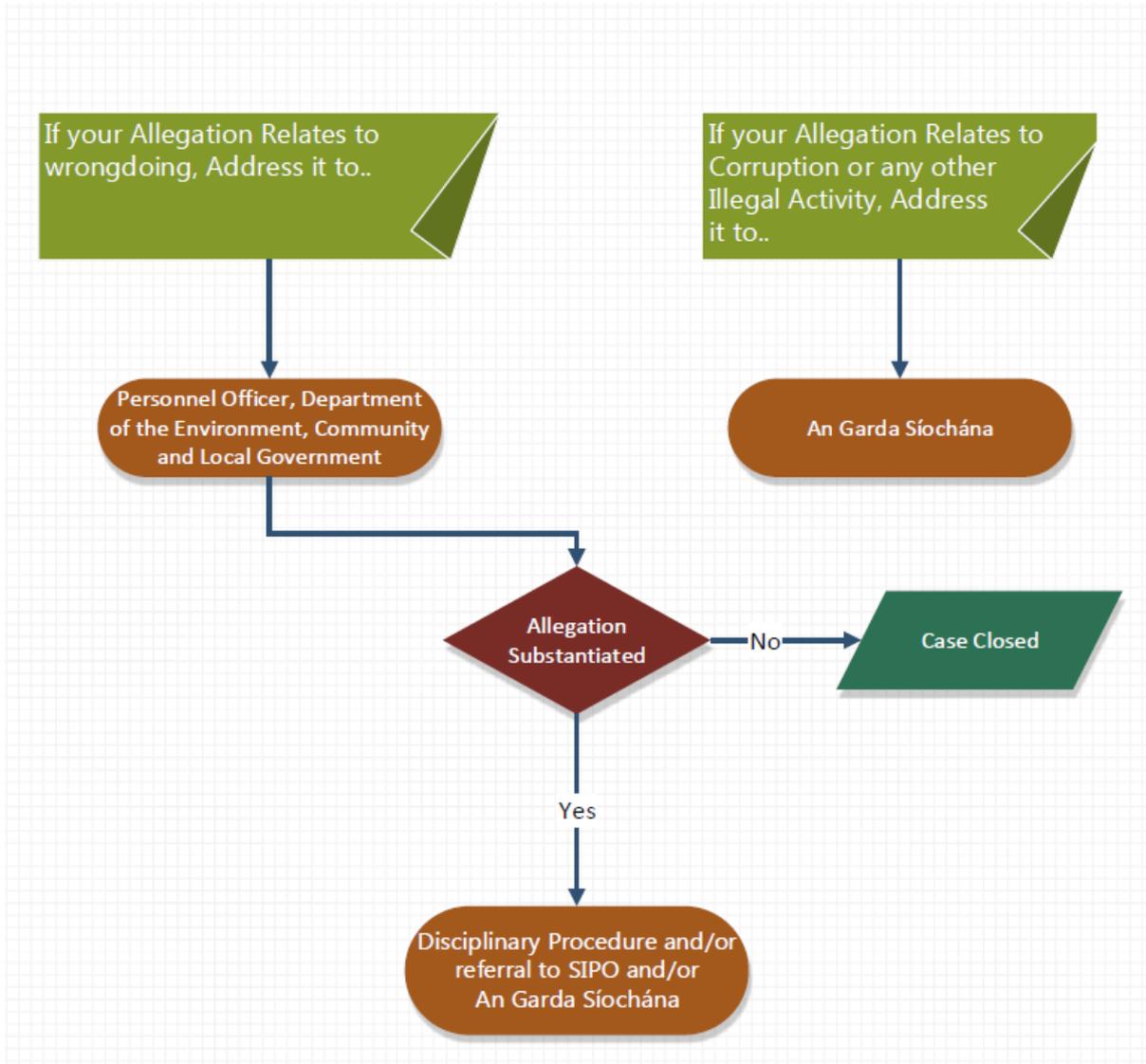
In all cases where people have specific allegations of corruption or other criminal activity they are advised to report them to the Gardaí in the first instance.

Allegations of wrongdoing or illegality relating to staff of the Department of Housing Planning and Local Government

Where specific allegations of wrongdoing are made against a member of staff of the Department, the complaint is referred to the Personnel Officer for consideration. Where the result of this consideration indicates that there is, on the face of it, some substance to the allegation, the Department's Disciplinary Procedure will be invoked. This could result in, among other outcomes, the matter being closed if it is found by the investigator(s) that the allegation is unfounded; disciplinary action taken where appropriate, or the matter being referred to the SIPO. SIPO is the office responsible for investigating alleged contraventions of the Ethics in Public Office Acts, by certain public servants/officials. In circumstances where criminal investigation is warranted, such complaints or allegations will be referred to the Gardaí.

In addition to the examination of a complaint under the Disciplinary Procedure, where an action of the Department is identified as a result of a complaint or allegation as requiring correction, this will be undertaken as a priority.

Pathways for allegations of wrongdoing or illegality relating to staff of the Department of Housing, Planning and Local Government



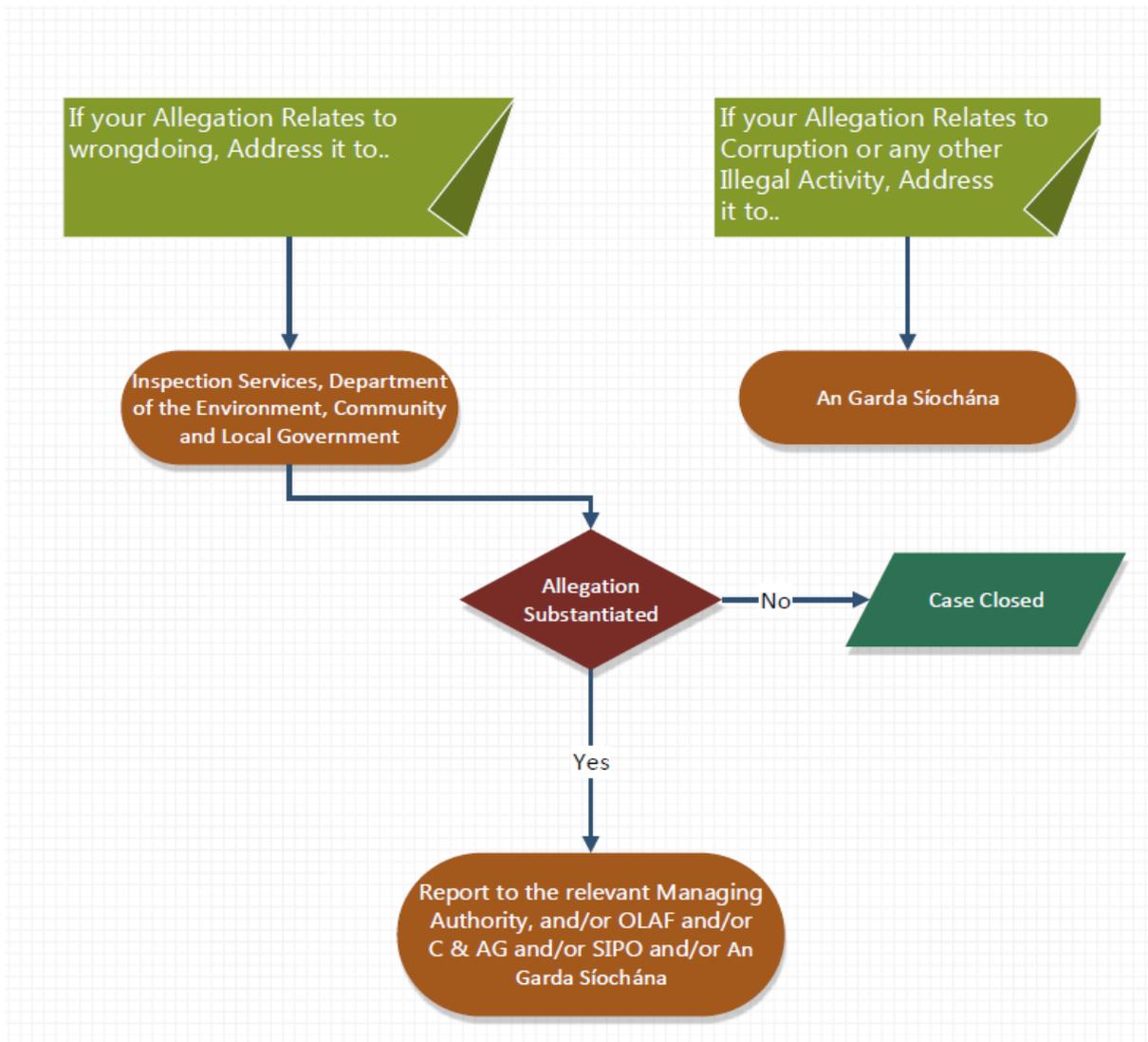
Allegations of wrongdoing or illegality relating to certain Community Programmes under the remit of the Department of Housing Planning and Local Government

The Inspection Services Section of the Department investigates specific allegations of corruption or illegality made in relation to grants provided under the Department's Community grant giving functions such as under the EU funded Rural Development Programme; certain programmes funded exclusively from the National Exchequer (the Local Community Development Programme (LCDP)/Social Inclusion Community Activation Programmes (SICAP)) and certain other programmes managed by the Department's Community Division.

Where specific complaints relating to these schemes are received by the Department they are referred to the Inspection Service which carries out an assessment, followed by an investigation, as required. For the EU co-funded programme, the outcome of all investigations is notified to the relevant Managing Authority, the Certifying Body, the European Commission Anti-Fraud Office (OLAF), the EU Commission and the Comptroller and Auditor General. In some cases, the matters may require to be brought to the attention of SIPO and/or the Gardaí. For programmes funded exclusively by the National Exchequer, the outcome of all investigations is notified to the Secretary General who may bring matters to the attention of the SIPO and/or the Gardaí, if necessary.

While this Department does not generally investigate anonymous complaints, the EU Commission requires that all complaints relating to allegations in respect EU funding/programmes, anonymous or otherwise, are investigated.

Pathways for allegations of wrongdoing or illegality relating to certain Community Programmes under the remit of the Department of Housing Planning, and Local Government



Allegations of wrongdoing relating to the Planning System

The Minister for Environment, Community and Local Government has overall responsibility for the policy and legislative framework in respect of the planning system and consequently may directly receive allegations of wrongdoing, including corruption, in respect of the planning system. The action taken by the Minister in dealing with any such allegations in relation to the planning system depends on the specific nature of the complaint and the information available.

Where an allegation of corruption or any other criminal offence relating to a planning authority is received, the Department will advise the person making the allegation that they should address their allegation to the Gardaí, which is the appropriate investigating authority for such matters.

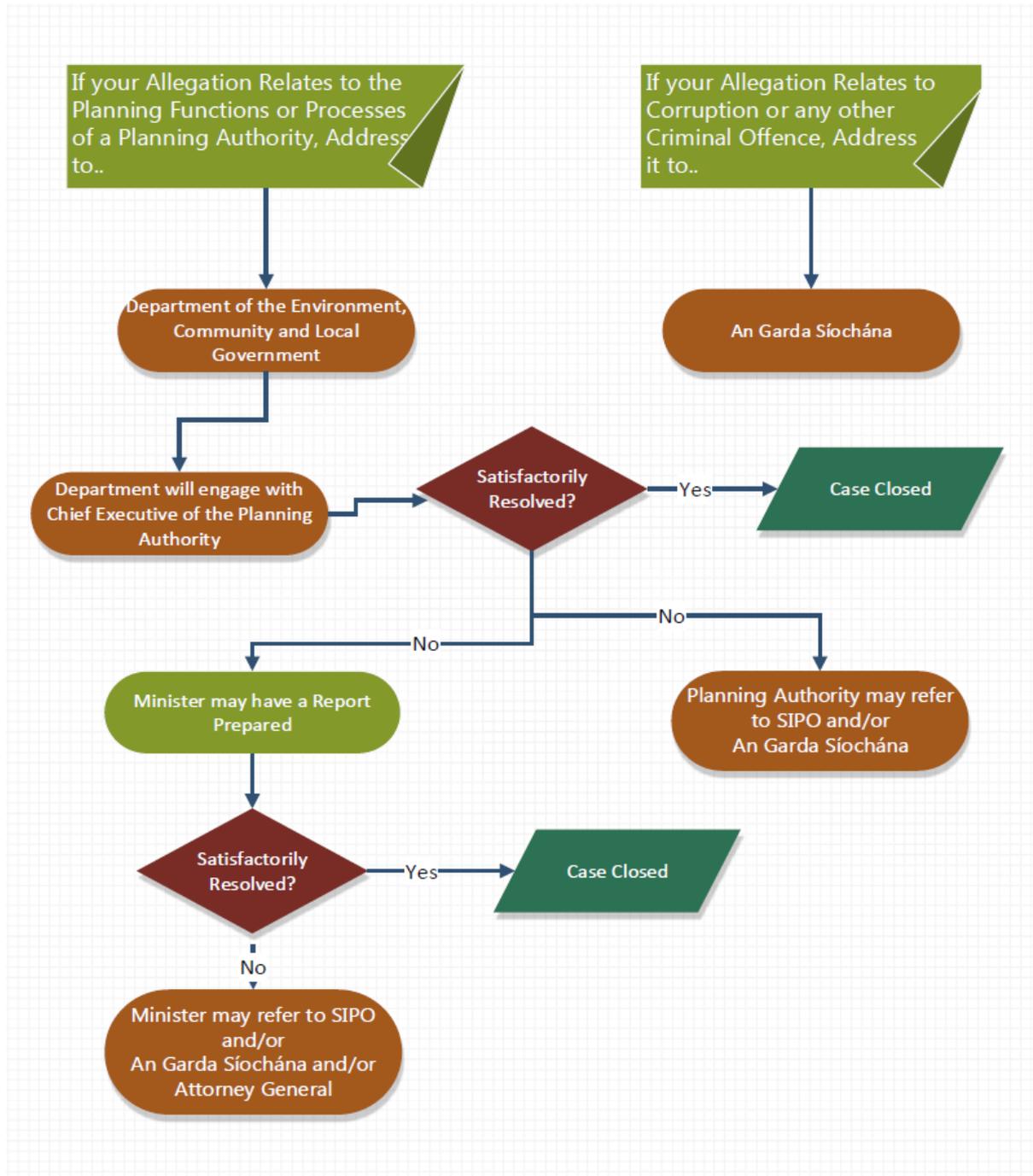
Where allegations of a serious nature relating to the planning functions or processes of a planning authority are received, the Department will engage with the Chief Executive of the planning authority, in the first instance, to determine if there is any basis to the allegation.

Where there is, on the face of it, a basis to the allegation, the planning authority may be able to deal with the matter through its procedures or through referral to SIPO and/or the Gardaí.

In all other cases, the Minister will consider what further steps or action, if any, are necessary to address the matter. In this regard, the Minister may decide to appoint a person either on a non-statutory or statutory basis to prepare a report for him or her in relation to the matter. The outcome of such a report may be to require changes or improvements in procedures and practices or, if such an examination indicates evidence of corruption, the matter would be referred to the Gardaí. Where the examination indicates there was no apparent case to answer the matter would be closed.

Where any uncertainty remains, further consideration would be given to the matter including, as necessary, in consultation with the Office of the Attorney General as to the appropriate actions available to pursue the matter.

Pathways for allegations of wrongdoing relating to the Planning System



Allegations relating to Local Authorities (other than in relation to planning)

Allegations of corruption or any other criminal offence relating to a local authority should be addressed to the Gardaí.

Allegations of wrongdoing or omissions in respect of matters covered by Ethics Legislation in relation to a local authority should be addressed, in the first instance, to the Ethics Registrar of that local authority. It is his or her duty to bring the matter to the attention of either the Chief Executive or the Cathaoirleach/Mayor of the local authority, who shall consider what action should be taken. Having examined the matter, the Chief Executive or Cathaoirleach/Mayor may refer the matter to [SIPO](#). SIPO require that all local avenues provided for by the Local Government Act 2001 should be pursued prior to making a complaint to it.

Allegations of wrongdoing in respect of matters other than those covered by Ethics Legislation in relation to a local authority should be addressed to the Chief Executive or the Cathaoirleach/Mayor, in the first instance.

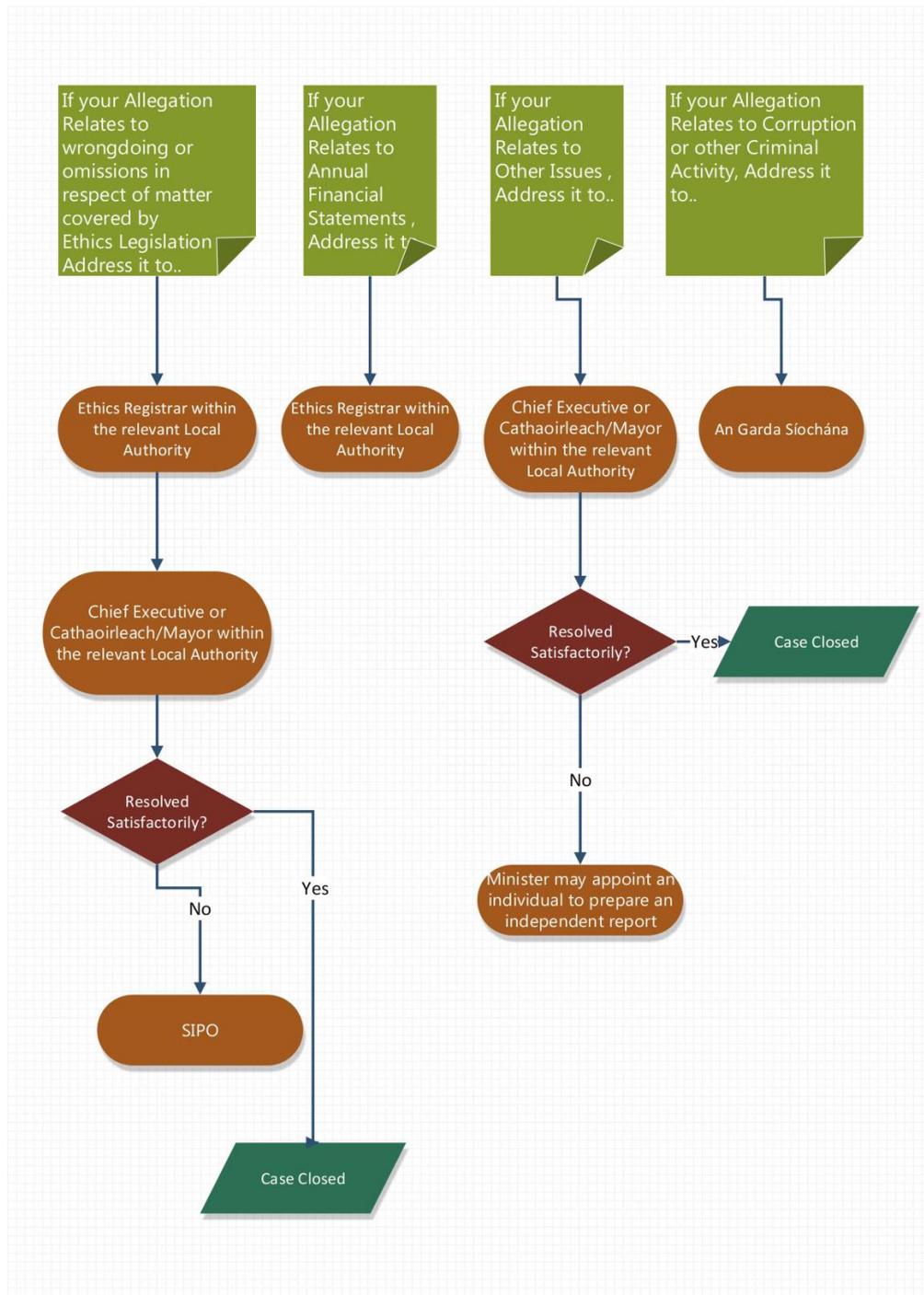
Allegations relating to the annual financial statement, records and other documents relating to the accounts of a local authority should be addressed in writing to the [Local Government Audit Service](#) within ten days of the commencement of an audit of a local authority. The auditor shall consider such written objection in accordance with the [Local Government Financial and Audit Procedures Regulations 2014](#).

Where responsibility for the matter does not rest with the Gardaí or other body, and the matter cannot be, or has not been properly, dealt with by the local authority, the Minister may consider taking further steps to address the matter. In the first instance, it is open to the Minister to appoint an individual, on a non-statutory basis, to examine the issue further and prepare a report for consideration. It is also possible, where it appears necessary and justified, for the Minister to appoint a person on a statutory basis (under section 224 of the Local Government Act 2001) to examine and report on any matter arising from, or in relation to, any of the functions of a local authority or the performance of those functions by either the elected members or the executive.⁵

⁵ Note that certain functions of local authorities are the responsibility of Ministers other than the Minister for Environment, Community and Local Government, and decisions in relation to complaints regarding such functions that fall to be decided by a Minister or Department will be the responsibility of that Minister/ Department.

Section 83 of the Local Government Act 1941 also provides the Minister with powers to cause local inquiries to be held; however, these powers have not been used in many years, and more modern remedies are provided in more recent legislation, such as the Commission of Investigations Act 2004.

Pathways for allegations relating to Local Authorities (other than in relation to planning)



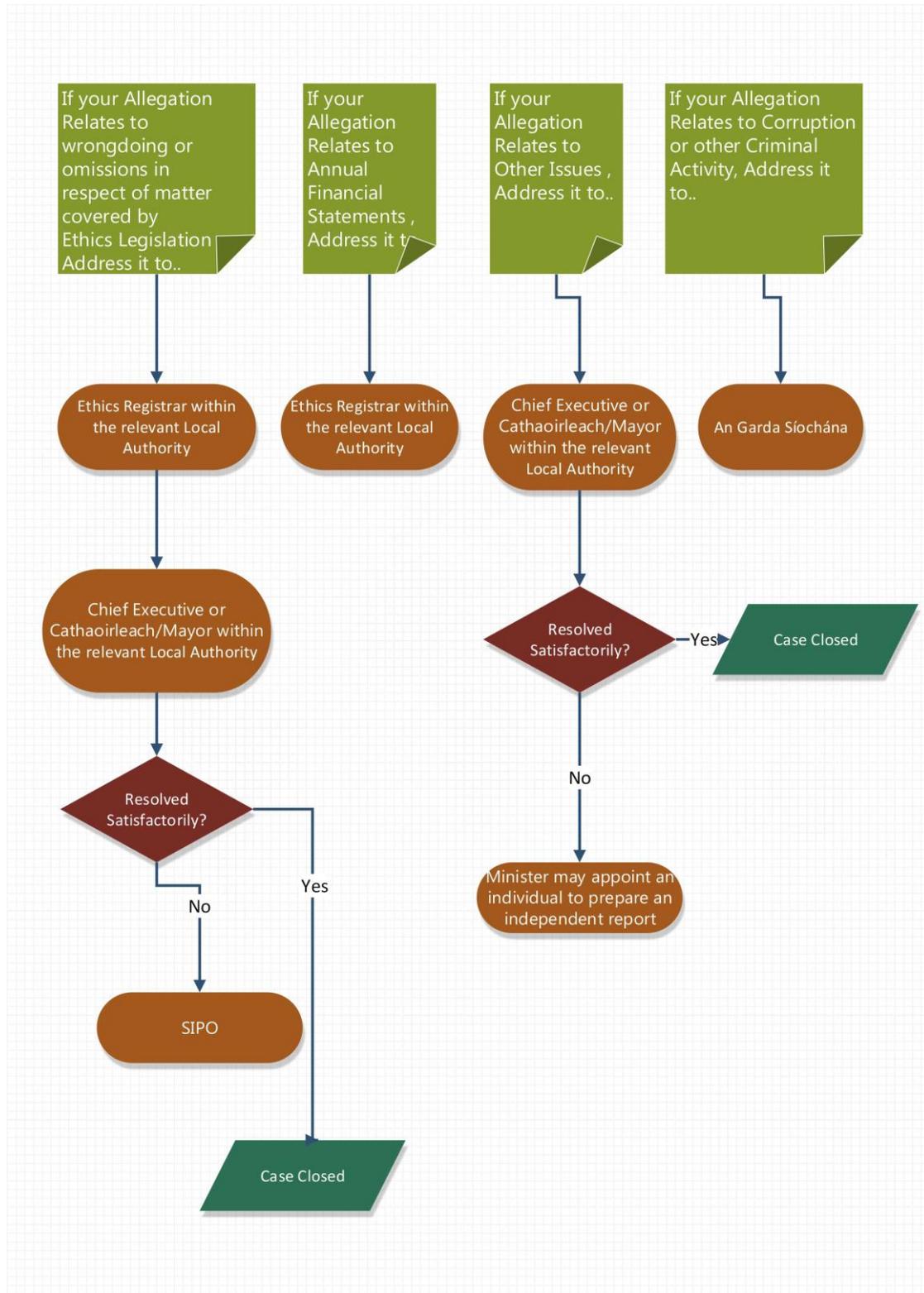
Allegations relating to an Agency under the remit of the Department of Housing Planning and Local Government

Allegations of corruption or any other criminal offence relating to any agency should be addressed to the Gardaí.

Allegations of wrongdoing in relation to an Agency under the remit of the Department should be addressed in the first instance to the agency concerned. Where the allegation relates to the Chief Executive, it should be addressed to the Chairperson and where it relates to any other officer of the agency it should be addressed to the Chief Executive of the agency concerned.

Allegations relating to wrongdoing or illegality by board members of an agency should be addressed, in the first instance, to the agency concerned. Similar to local authorities, SIPO require that all local avenues should be pursued prior to considering making a complaint to it.

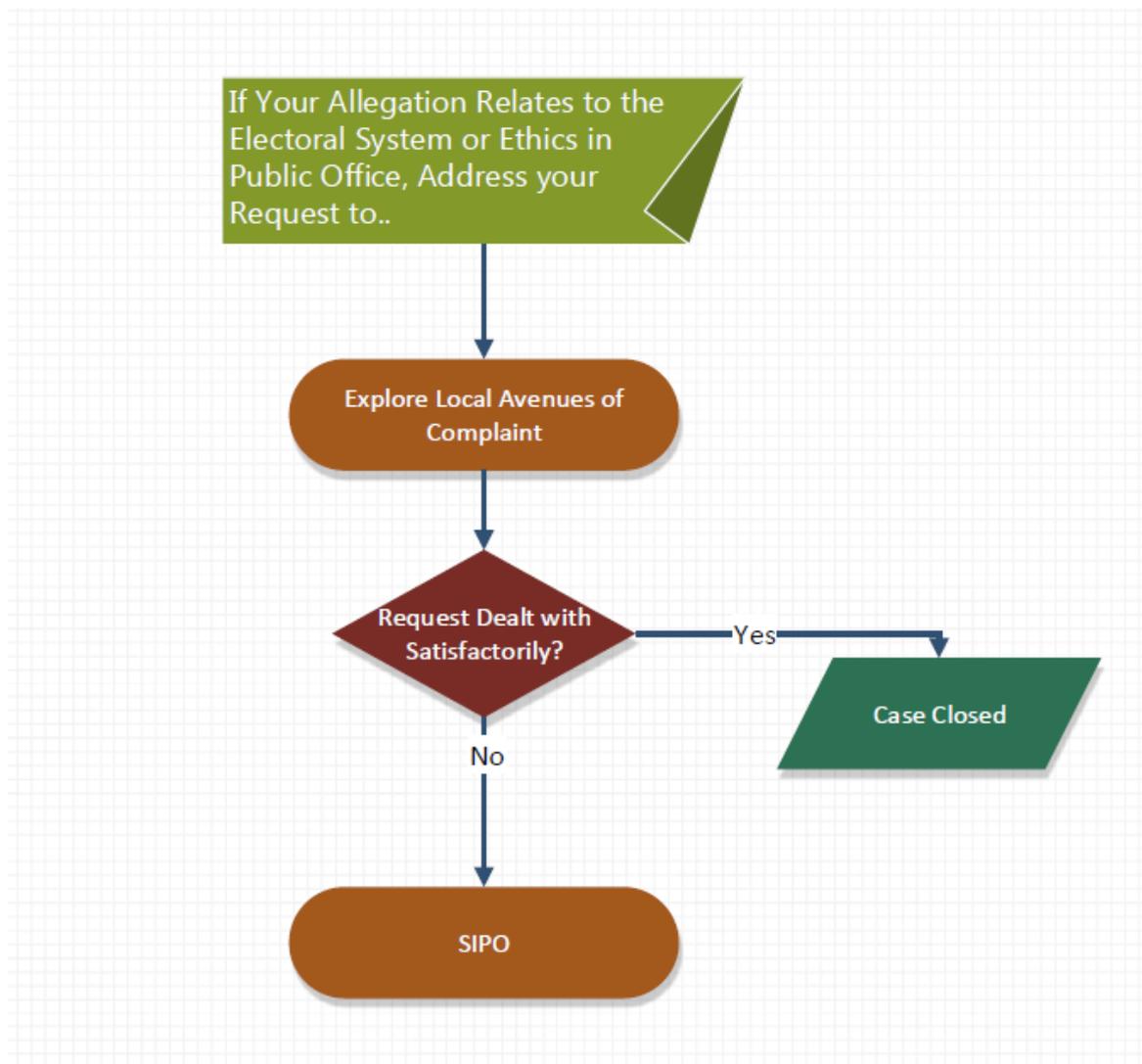
Pathways for allegations relating to an agency under the remit of the Department of Housing, Planning and Local Government



Allegations relating to the Electoral System or Ethics in Public Office

Allegations in relation to non-compliance with ethics legislation or electoral legislation or other related alleged offences by office holders and public servants should be addressed to SIPO. However, SIPO require that all local avenues should be pursued prior to considering making a complaint to it.

Pathways for allegations relating to the Electoral System or Ethics in Public Office



housing.gov.ie

Department of Housing, Planning and Local Government



**An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil**
Department of Housing,
Planning and Local Government